

Know Your Rights

Substance Use Emergency and Involuntary Commitment

These two processes are involuntary processes that take away someone's civil liberties. Due to these restrictions, Colorado has specific laws for rights that cannot be taken from you and specific protections afforded to you.



Emergency Commitment (EC)

When a person is under the influence of or incapacitated by substances and clearly dangerous to the health and safety of himself, herself, or others, law enforcement authorities or an emergency service patrol, acting with probable cause, shall take the person into protective custody in an approved treatment facility. If no such facilities are available, the person may be detained in an emergency medical facility or jail. (Colo. Rev. Stat. §27-81-111, (1) (a)). An EC may last up to **5 days**.

Involuntary Commitment (IC)

A civil court process where a court may order a person to substance use treatment and they are committed to the custody of the Behavioral Health Administration for **up to 270 days**. The involuntary commitment is a legal proceeding that requires the documentation and filing of a petition.

No one can be committed because they are using substances. A threat or act of physical harm, or incapacitation to the point of inability to care for self that presents as dangerous to self/others is absolutely required before the court has the authority to deprive an individual of personal rights and place them under the custody of the BHA. (Colo. Rev. Stat. §27-81-112, (1)) (Behavioral Health Administration, 2024)

Under an EC or an IC, you have the right to:

- Be evaluated to determine the person's behavioral health treatment needs
- If under an emergency commitment, refuse to be examined by a licensed physician for certification
- Receive timely medical and behavioral health care and treatment
- Contest a commitment proceeding or to enter into a stipulated order of the court for committed treatment
- Retain and consult with an attorney at any time and to have an attorney appointed by or provided by the court in a timely manner in any proceedings relating to commitment or recommitment if the person wants the assistance of an attorney and is unable to obtain an attorney
- At any time seek to be discharged from commitment by an order in the nature of habeas corpus
- Sign in and seek voluntary substance use disorder treatment once no longer under the influence of drugs or intoxicated by alcohol
- If in committed treatment, receive 24 hour notice prior to being transferred to another facility
- Have reasonable access to mail and writing materials, including postage, as well as the assistance of facility staff if the person is unable to write, prepare, or mail correspondence
- Have reasonable opportunities for continuing visitation and communication with the person's family and friends
- Have reasonable access to telephones or other communication devices, and to make and to receive calls or communications in privacy
- Wear his or her own clothes, keep and use personal possessions, and keep and be allowed to spend a reasonable sum of the person's own money
- Have access to medical records
- Have treatment records remain confidential, except as required by law
- Not be fingerprinted, unless required by law
- Refuse to be photographed, except for treatment facility identification purposes
- Have the opportunity to register and vote by absentee ballot with the assistance of facility staff
- Have appropriate access to adequate food, water, and hygiene products
- Have physical privacy in showering, changing, and using the restroom
- Be treated fairly and to receive the same consideration and access to appropriate services as others, regardless of race, color, national origin, age, gender identity, gender expression, sexual orientation, political affiliation, religious beliefs, financial status, or disability

If you feel your patient rights have been violated:

BEHAVIORAL HEALTH ADMINISTRATION

- 🌐 [Online Form](#)
- 🌐 [Online Form \(en Español\)](#)
- ✉️ CDHS_BHA_complaint@state.co.us
- 📞 303-866-7191

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

- ✉️ cdphe.hfdintake@state.co.us
- Subject line: [Relevant health care entity type], Complaint Intake

DEPARTMENT OF REGULATORY AGENCIES (DORA) COLORADO CIVIL RIGHTS DIVISION

- 🌐 [Online Form](#)
- ✉️ DORA_CCRDInvestigations@state.co.us
- 📞 303-894-2997

DEPARTMENT OF REGULATORY AGENCIES (DORA) DIVISION OF PROFESSIONS AND OCCUPATIONS

- 🌐 [Online Form](#)
- ✉️ dora_dpo_licensing@state.co.us
- 📞 303-894-7800